

From: E. Jones
To: Microsoft ATR
Date: 12/8/01 1:41pm
Subject: Microsoft Settlement

I respectfully submit the following comments:

Please alter the section of the judgement to include not-for-profit organizations.

1. The remedies in the Proposed Final Judgement specifically protect companies in commerce -- organizations in business for profit. But Microsoft's biggest competitors are Linux, an operating system, and Apache, an integral part of the Internet. Both these products are being produced by not-for-profit organizations. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. As such with the final judgement as proposed, Microsoft will be in a position to destroy them.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..." In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry would have seemed insane.

Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology -- even the Department of Justice itself -- have no rights.

The settlement gives Microsoft the right to effectively kill these products. Concerning disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

2. Regarding the three-member committee stationed at Microsoft to make sure the DOJ deal is enforced.

Steve Satchell would be an ideal member of this committee. Active with computers for 30+ years, Mr. Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product

reviews, he also knows the commercial side of the industry.

Respectfully submitted
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